

**Government of the District of Columbia**  
**Department of Insurance, Securities and Banking**



Gennet Purcell  
Commissioner

**BULLETIN**  
**09-IB-02-05/11 - Revised**

**TO: ALL LICENSED INSURANCE COMPANIES**

**FROM: GENNET PURCELL, COMMISSIONER**

**SUBJECT: CONTINUATION OF HEALTH COVERAGE (DC -COBRA)**

**DATE: MAY 5, 2010**

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The intent of this Bulletin is to communicate to all District of Columbia licensed insurers providing small group health insurance the interpretation of the Department of Insurance, Securities and Banking regarding the Continuation of Health Coverage Amendment Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 32-732(a)) ("Act"), and the incorporation by reference of certain provisions of the American Recovery and Reinvestment Act of 2009, approved February 19, 2009 (Pub. L. No. 111-5) ("ARRA"), as amended by the Department of Defense Appropriations Act of 2010, approved December 19, 2009 (Pub. L. No. 111-118), the Temporary Extension Act of 2010, approved March 2, 2010 (Pub. L. No. 111-144), and the Continuing Extension Act of 2010, approved April 15, 2010 (Pub. L. No. 111-157), provided therein. The Act provides the following benefits for District employees covered by group health insurance, except as otherwise excluded pursuant to D.C. Official Code § 32-732 (2001):

- The Act extends the period of time during which District employees are eligible for continuation of health coverage benefits pursuant to D.C. Official Code § 32-732. Specifically, covered District employees involuntarily terminated on or prior to May 31, 2010, would now be eligible for up to fifteen (15) months of premium assistance as provided under ARRA. For a covered individual who already had coverage prior to the implementation of the premium assistance, continuation of health coverage and premium assistance would run until the individual exhausted 15 months of premium assistance;
- The Act extends the period of time to 15 months for individuals who do not receive the premium assistance because their income exceeds the maximum income limits (\$145,000 for single; \$290,000 for joint filers);
- The Act does not provide for an extension of continuation of health coverage benefits for individuals who do not receive the premium assistance because they are eligible for other group coverage or Medicare; and

- The Act provides any eligible employee terminated during the period between September 1, 2008, and the enactment date of the Department of Defense Appropriations Act of 2012 (“DOD Act”) to qualify for additional continuation of health coverage benefits and premium assistance regardless of whether they elected coverage at the time of their termination. In this regard, the period between the qualifying event and the first period of coverage beginning on or after the enactment of the DOD Act shall be disregarded for purposes of determining the 63-day period referred to in section 701(c)(2) of the Employee Retirement Income Security Act of 1974, section 9801(c)(2) of the Internal Revenue Code of 1986, and section 2701(c)(2) of the Public Health Service Act. Thus, an employer would be prohibited from applying pre-existing condition coverage limitations based on any gap in coverage that may have existed between the layoff and commencement of the continuation of coverage.

If you have question concerning this bulletin, please contact Philip Barlow at (202) 442-7823 or by email at [philip.barlow@dc.gov](mailto:philip.barlow@dc.gov).